

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Part 11 of the Commission's Rules)	PS Docket No. 15-94
Regarding the Emergency Alert System)	
)	
Wireless Emergency Alerts)	PS Docket No. 15-91

**COMMENTS TO THE REPORT AND ORDER AND FURTHER NOTICE OF
PROPOSED RULEMAKING**

**Telecommunications for the Deaf and Hard of Hearing, Inc.
National Association of the Deaf
Deaf and Hard of Hearing Consumer Advocacy Network
Association of Late-Deafened Adults, Inc.
Gallaudet University Deaf/ Hard of Hearing RERC**

Telecommunications for the Deaf and Hard of Hearing, Inc. ("TDI"), through its undersigned counsel, National Association of the Deaf ("NAD"), Deaf and Hard of Hearing Consumer Advocacy Network ("DHHCAN"), Association of Late-Deafened Adults, Inc. ("ALDA") and Gallaudet University Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing ("DHH-RERC"), (collectively "Consumer Groups and DHH-RERC") hereby respectfully submit these reply comments in response to the Federal Communications Commission's ("FCC" or "Commission") Report and Order and Further Notice of Proposed Rulemaking ("R&O") in the above-referenced proceeding.¹ The Wireless Emergency Alert (WEA) platform and the Emergency Alert System (EAS) are essential tools for individuals who are deaf, hard of hearing, deafblind, and deaf with mobility issues. Consumer

¹ *In the Matters of Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System and Wireless Emergency Alerts*, Report and Order and Notice of Proposed Rulemaking, PS Docket Nos. 15-94, 15-91 (rel. Sept. 29, 2016) ("R&O").

Groups and DHH-RERC herein respond to proposals and requests for comments in the R&O regarding WEA system of particular importance to the deaf and hard of hearing community.

I. BACKGROUND

In this proceeding, the Commission has aimed to expand efficacy of domestic public alert and warning systems such as EAS and WEA. The Commission has previously issued NPRMs specific to updating these systems,² to which Consumer Groups and DHH-RERC have submitted comments. Here, the R&O adopts rules for WEA in particular, utilizing information obtained throughout the proceeding and during its present deployment over the previous four years. The Commission seeks to continue refining its rules on WEA to leverage advancements in technology and improve WEA's multimedia, multilingual, and targeting capabilities.

Consumer Groups and DHH-RERC appreciate that the Commission recognizes the criticality of ensuring accessible public safety alerts and urges the Commission to consider the perspective and needs of the deaf and hard of hearing community as it continues to refine WEA and EAS.

II. THE COMMISSION SHOULD ENSURE THAT PUBLIC SAFETY ALERTS ARE ACCESSIBLE

A. Making WEA Alerts Available in ASL

The Commission seeks comment on whether WEA Alert Messages can be made available in American Sign Language and, how doing so would allow for better accessibility, as well as any alternative approaches that would facilitate the objective of promoting accessibility of WEA Alert Messages.³

² *In the matters of Improving Wireless Emergency Alerts and Community-Initiated Alerting*, Notice of Proposed Rulemaking, PS Docket No. 15-91 (rel. November 19, 2015); *In the Matters of Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System and Wireless Emergency Alerts*, Notice of Proposed Rulemaking, PS Docket Nos. 15-94, 15-91 (rel. January 29, 2016) ("NPRM").

³ *NPRM* at paras. 136-37.

1. The Commission Should Make WEA Alerts Available in ASL

Consumer Groups and DHH-RERC urge the Commission to include ASL in WEA alerts. ASL is the primary language of the Deaf population.⁴ In fact, “[s]igned language is the most important instrument for communicating in the deafworld...[f]rom the day Deaf Americans enter the deaf-world, ASL becomes their primary language, and is, in itself, a big chunk of deaf-world knowledge.”⁵ While an accurate census of ASL speakers in the United States has been difficult to obtain,⁶ ASL is the “language of a sizeable minority,” with estimates ranging around 500,000 speakers in the United States alone.⁷

For many individuals who are deaf, hard of hearing, deafblind, and deaf with mobility issues, there simply is no adequate substitute for ASL. Contrary to popular public perception, ASL is not derived from English, nor any spoken language.⁸ Instead, it is an independent linguistic system with morphological and grammatical complexity comparable to or exceeding that of spoken languages.⁹

Consumer Groups and DHH-RERC acknowledge that individuals who are deaf, hard of hearing, deafblind, and deaf with mobility issues may depend on hearing amplification rather than ASL. For these individuals, textual messages with no more than 360 characters are likely sufficient to convey emergency alert information. However, Consumer Groups and DHH-RERC

⁴ See, e.g., Diane Anderson and Judy Reilly, “The MacArthur Communicative Development for American Sign Language,” 7:2 JOURNAL OF DEAF STUDIES AND DEAF EDUCATION 85 (Spring 2002), available at <http://jdsde.oxfordjournals.org/content/7/2/83.full.pdf> (“MacArthur Article”); HARLAN LANE ET AL., A JOURNEY INTO THE DEAF-WORLD (1996) (“LANE”); “Sign Language”, WORLD FEDERATION OF THE DEAF, available at <https://wfdeaf.org/human-rights/crpd/sign-language> (“Deaf children learn to use sign language from their environment as hearing children learn spoken languages from their parents and others”).

⁵ LANE at 6.

⁶ The Census Bureau does not include American Sign Language in its survey of languages spoken at home.

⁷ Mitchell, Ross E., et al. “How many people use ASL in the United States? Why estimates need updating.” Sign Language Studies 6.3 (2006): 306-335.

⁸ MacArthur Article at 84; “Standards for Learning American Sign Language,” AMERICAN SIGN LANGUAGE TEACHERS ASSOCIATION (July 2014) at 7, available at https://asltta.org/wp-content/uploads/2014/07/National_ASLS_Standards.pdf

⁹ *Id.*

advocate the availability of ASL videos for individuals who are dependent on ASL as a means of communication.

2. Alternative Approaches to Increase Accessibility of WEA Alerts

Consumer Groups and DHH-RERC advocate that direct transmission of ASL WEA messages is the most reliable system to ensure that public safety messages are communicated to individuals who are deaf, hard of hearing, deafblind, and deaf with mobility issues. However, in the event the Commission declines to make WEA messages available in ASL, Consumer Groups and DHH-RERC urge the Commission to make accommodations for the delivery of ASL messages through alternative means. For example, the WEA messages could transmit an Internet link to a streaming ASL video.

3. Considerations in Implementing ASL-Accessible WEA Alerts

Consumer Groups and DHH-RERC assert that making WEA messages available in ASL will not lead to congestion issues, as these messages will only be accessed by the individuals who require them and merely need to be comprehensible and informative to those who use ASL, which, as stated above, are likely to number 500,000 in relation to a population of 330 million for the entire United States. However, Consumer Groups and DHH-RERC would like to remind the Commission that in order to implement the delivery of ASL in PSAs, the Commission must consider the functional requirements of ASL alerts, including the quality of the production of the ASL video itself, and availability and reliability of the delivery platform. As such, Consumer Groups and DHH-RERC recommend that a future Disability Advisory Committee meeting focus on recommending quality standards and functional requirements for ASL emergency alerts.

B. Inclusion of Hazard Symbols

The Commission also seeks comment the inclusion of thumbnail-sized images, including hazard symbols, in Public Safety Messages.¹⁰ Consumer Groups and DHH-RERC support the inclusion of hazard symbols, which allow for quicker comprehension and therefore increase accessibility, including for individuals who are deaf, hard of hearing, deafblind, and deaf with mobility issues.

III. CONCLUSION

Consumer Groups and DHH-RERC respectfully submit that rule modifications that reflect the changes outlined above are necessary to achieve the Commission's overarching public interest goals in this proceeding and to address the unique concerns of, and improve the efficacy of public safety alerts such as EAS and WEA for, individuals who are deaf, hard of hearing, deafblind, and deaf with mobility issues.

Respectfully submitted,

/s/ Tamar Finn

Tamar Finn

Ronald Del Sesto, Jr.

Catherine Kuersten

MORGAN, LEWIS & BOCKIUS LLP

2020 K Street, N.W

Washington, DC 20006

(202) 373-6000

*Counsel to Telecommunications for the Deaf
and Hard of Hearing, Inc*

Claude L. Stout, Executive Director
Telecommunications for the Deaf and Hard of Hearing, Inc.
8630 Fenton Street, Suite 121
Silver Spring, MD 20910-3803
(301) 563-9112 (Tel.)
cstout@tdiforaccess.org

¹⁰ R&O at para. 37.

Howard A. Rosenblum, Chief Executive Officer
Zainab Alkebsi, Policy Counsel
National Association of the Deaf
8630 Fenton Street, Suite 820
Silver Spring, MD 20910-3803
howard.rosenblum@nad.org
zainab.alkebsi@nad.org

Sharaine Rawlinson Roberts, President
Association of Late-Deafened Adults, Inc.
8038 MacIntosh Lane, Suite 2
Rockford, IL 61107
(815) 332-1515 (Tel.)
(866) 402-2532 (Toll Free)
ALDASharaine@gmail.com

Bernie Palmer, Vice Chair
Deaf and Hard of Hearing Consumer Advocacy Network
8630 Fenton Street, Suite 121
Silver Spring, MD 20910-3803
edgar.palmer@gallaudet.edu

Christian Vogler, PhD
Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing
(DHH-RERC)
Gallaudet University
800 Florida Ave NE, TAP - SLCC 1116
Washington, DC 20002
christian.vogler@gallaudet.edu